

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BENJAMIN CAULTON,

Plaintiff,

Case No. 1:07-cv-947

Hon. Gordon J. Quist

vs.

PATRICIA CARUSO, *et al.*,

Defendants.

ORDER

This is a civil rights action brought by a state prisoner. On November 15, 2007, the court entered an order for partial service in this case. The order dismissed plaintiff's claims against defendants Patricia Caruso, Cindi Curtin and David Pratt, and ordered service upon defendants RUM Michael Haske, ARUS Mary Schreiber, and Classification Director Mrs. Michael Haske. None of the defendants have been served. Plaintiff has advised the court that he was unable to provide copies of the complaint for service because he had to request the copies from defendant Mrs. Haske, and fears that she and the other defendants will retaliate against him.

This matter is now before the court on plaintiff's "motion to amend and supplement pleading" (docket no. 9), which seeks permission to file an amended complaint against the three remaining defendants. Plaintiff's motion is unnecessary, because he can file an amended complaint "as a matter of course" without court order. *See Fed. R. Civ. P. 15(a)(1).*

Accordingly,

IT IS ORDERED that the motion to amend (docket no. 9) is **DENIED** as moot.

IT IS FURTHER ORDERED that the Clerk of the Court shall file the proposed amended complaint, provide copies of the amended complaint for service on the remaining defendants and arrange for service of the summons and complaint with the United States Marshals Service.

Dated: February 25, 2008

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge